

MAG. JUDGE

## DESIGNATION FORM

(to be used by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)

Address of Plaintiff: 2310 S. 22ND STREET, PHILADELPHIA, PA 19145

Address of Defendant: 1100 TOWN AND COUNTRY ROAD, STE. 1250, ORANGE, CA 92868

Place of Accident, Incident or Transaction: PHILADELPHIA

## RELATED CASE, IF ANY:

Case Number: \_\_\_\_\_ Judge: \_\_\_\_\_ Date Terminated: \_\_\_\_\_

Civil cases are deemed related when **Yes** is answered to any of the following questions:

- |   |   |                              |                             |
|---|---|------------------------------|-----------------------------|
| 1 | Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?  | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 2 | Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?            | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 3 | Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action of this court? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 4 | Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?  | Yes <input type="checkbox"/> | No <input type="checkbox"/> |

I certify that, to my knowledge, the within case ☐ is ☒ is not related to any case now pending or within one year previously terminated action in this court except as noted above.DATE 11-1-2018 Reginald Allen Attorney-at-Law / Pro Se Plaintiff 77083 Attorney I.D. # (if applicable)CIVIL: (Place a ☒ in one category only)

## A. Federal Question Cases:

- ☐ 1. Indemnity Contract, Marine Contract, and All Other Contracts
- ☐ 2. FELA
- ☐ 3. Jones Act-Personal Injury
- ☐ 4. Antitrust
- ☐ 5. Patent
- ☐ 6. Labor-Management Relations
- ☐ 7. Civil Rights
- ☐ 8. Habeas Corpus
- ☐ 9. Securities Act(s) Cases
- ☐ 10. Social Security Review Cases
- ☒ 11. All other Federal Question Cases  
(Please specify) EMPLOYMENT DISCRIMINATION

## B. Diversity Jurisdiction Cases:

- ☐ 1. Insurance Contract and Other Contracts
- ☐ 2. Airplane Personal Injury
- ☐ 3. Assault, Defamation
- ☐ 4. Marine Personal Injury
- ☐ 5. Motor Vehicle Personal Injury
- ☐ 6. Other Personal Injury (Please specify) \_\_\_\_\_
- ☐ 7. Products Liability
- ☐ 8. Products Liability Asbestos
- ☐ 9. All other Diversity Cases  
(Please specify) \_\_\_\_\_

## ARBITRATION CERTIFICATION

(The effect of this certification is to remove the case from eligibility for arbitration.)

I, Reginald Allen, Esq., counsel of record or pro se plaintiff, do hereby certify:☒ Pursuant to Local Civil Rule 53.2, § 3(c) (2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs.☐ Relief other than monetary damages is soughtDATE 10/22/2018 Reginald Allen Attorney-at-Law / Pro Se Plaintiff 77083 Attorney I.D. # (if applicable)

NOTE A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

HB

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIACASE MANAGEMENT TRACK DESIGNATION FORM

Matthew Perri

v.

Guardian Solutions, Inc.

CIVIL ACTION

18 4708

NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

## SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ( )
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ( )
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ( )
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ( )
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ( )
- (f) Standard Management – Cases that do not fall into any one of the other tracks. ( )

10/23/18

Date

Reginald Allen

Attorney-at-law

Matthew Perri

Attorney for

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#400

HB

IN THE UNITED STATES DISTRICT COURT FOR  
THE EASTERN DISTRICT OF PENNSYLVANIA

MATTHEW PERRI	:	CIVIL ACTION NO.	18	4708
2310 S. 22 <sup>ND</sup> STREET	:			
PHILADELPHIA, PA 19145	:	JURY TRIAL DEMANDED		
PLAINTIFF,	:			
	:			
V.	:			
	:			
GUARDIAN SOLUTIONS	:			
1100 TOWN & COUNTRY ROAD,	:			
SUITE 1250	:			
ORANGE, CA 92868	:			
DEFENDANT.	:			

COMPLAINT

JURISDICTION

1. This matter is brought pursuant to the Americans with Disabilities Act (ADA), the Americans with Disabilities Act as Amended (ADAA) and the Pennsylvania Human Relations Act (PHRA). Jurisdiction is based on 28 U.S.C. S 1331, 28 U.S.C. S 1343, and the aforementioned federal statutes. Jurisdiction is also based on diversity of citizenship pursuant to 28 U.S.C. S 1332 and the amount in controversy exceeds \$75,000.00 (seventy five thousand dollars) exclusive of interests and costs.



## PARTIES

2. Plaintiff Matthew Perri (from hereinafter “plaintiff”) is a resident of the Commonwealth of Pennsylvania and he resides at the address in the caption above.
3. Defendant, Guardian Solutions, Inc. (from hereinafter, “Guardian Solutions” or “defendant”) is a corporation and/or other business which is based in California and has an address as indicated in the caption above; at times relevant to this complaint, defendant did substantial business in the Commonwealth of Pennsylvania.

## ADMINISTRATIVE AGENCY REQUIREMENTS

4. Plaintiff filed a charge of discrimination with the United States Equal Opportunity Commission (US EEOC) at charge number 480-2018-01732 which was requested to be cross filed with the Pennsylvania Human Relations Commission. Plaintiff received right to sue letter dated August 3, 2018, on/around August 8, 2018. (See Exhibit A).

## FACTUAL ALLEGATIONS

5. Plaintiff began working for defendant on/around June 2015 as a real estate appraiser.

6. Plaintiff received accolades for his work, to his recollection in 2015 and 2016.
7. Defendant is in the business of appraising real estate for the purpose of selling and buying it for profit.
8. At all times relevant to this action, plaintiff was qualified for his position, and he performed his duties in no less than a satisfactory manner.
9. Plaintiff is disabled and was at times relevant to the allegations in this complaint, as a result of suffering from Myasthenia Gravis; this disease is an auto immune disease which substantially affected plaintiff's ability to breath, walk and chew.
10. Plaintiff's Myasthenia Gravis can be controlled with medication, however it would take a period of time for that medication to become maximally effective.
11. As a result of plaintiff's disease referred to above, he had to be hospitalized approximately 6 times for around 3 days or longer in/around early 2017, which the employer was aware of; plaintiff would keep in touch with his supervisor in California, via cellphone.

12. For a period of time in early 2017, plaintiff was unaware of the cause of the symptoms referred to in paragraph 9 above, before he finally was diagnosed with Myasthenia Gravis.
13. As a result of his hospitalizations, plaintiff was temporarily unable to go out to do physical appraisals, which defendant was aware of, however, he was still able to stay within a reasonable target of defendant's quota for the number of appraisals he was asked to complete.
14. On April 7, 2017, plaintiff received a cell phone call from defendant, asking him how long he could be in the hospital, and plaintiff responded that he expected to be discharged within a few days.
15. On April 10, 2017, the day after plaintiff was released from the hospital, defendant called him and informed him that he was fired.
16. Plaintiff alleges that he was fired based on the fact that defendant knew that he was chronically ill and hospitalized as described above, and found out from plaintiff that he suffered a debilitating disease, which it did not wish to accommodate going into the future, in any manner.
17. Defendant refused to engage in any form of interactive process with

plaintiff, to determine if he would be able to work successfully going into the future and what if any reasonable accommodation he might need.

18. Defendant concluded that plaintiff would be a liability that it was not willing to undergo, based on his disability status.

19. As a result of his termination from employment, plaintiff suffered economic loss, and he also suffered severe emotional distress from being fired because he was disabled.

20. Plaintiff is disabled within the meaning of the ADA and the ADAA, based on his serious impairment (disease), Myasthenia Gravis.

21. Plaintiff could perform the essential functions of his job with and/or without reasonable accommodations.

22. Upon information and belief, defendant does not have in place any procedures to address the need to attempt to reasonably accommodate its employees who are or become disabled; or if it has any such policies, it does not abide by them.



FIRST CAUSE OF ACTION – DISCRIMINATION BASED ON DISABILITY IN  
VIOLATION OF THE ADA AND ADAA

23. Plaintiff incorporates paragraphs 1-22 above as though fully set forth herein.
24. Defendant's acts described above, including his termination from employment were based on the fact that plaintiff is disabled.
25. Defendant refused to engage in an interactive process to see if it could accommodate plaintiff, if necessary, and any accommodation that it may have given, would not have created an undue hardship for it.
26. Plaintiff was able to perform the essential functions of his job, with or without reasonable accommodations.

WHEREFORE, plaintiff requests judgment in his favor against defendant and he requests the following relief:

- a. Back pay;
- b. Front pay;
- c. Compensatory damages;
- d. Punitive damages;

- e. Reasonable Attorney's Fees and Costs;
- f. Any Other Relief the Court Deems Appropriate;

SECOND CAUSE OF ACTION – VIOLATION OF THE PENNSYLVANIA HUMAN  
RELATIONS ACT (PHRA) BASED ON DISABILITY DISCRIMINATION

27. Plaintiff incorporates paragraphs 1-26 above as though fully set forth herein.
28. Defendant's acts described above, constituted disability discrimination in violation of the PHRA.

WHEREFORE, plaintiff requests judgment in his favor against defendant, and he requests the following relief:

- a. Back pay;
- b. Front pay;
- c. Compensatory damages;
- d. Any Other Relief the Court Deems Appropriate.

Respectfully submitted,

  
Reginald Allen, Esquire